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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,688	08/24/2001	Jeffrey D. Ollis	D2647	2555
27774	7590	05/17/2005	EXAMINER	
MAYER, FORTKORT & WILLIAMS, PC 251 NORTH AVENUE WEST 2ND FLOOR WESTFIELD, NJ 07090			KHUONG, LEE T	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/938,688	OLLIS, JEFFREY D.
	Examiner Lee Khuong	Art Unit 2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 December 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,4,6-12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 4, 6-12 and 14-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    Paper No(s)/Mail Date. \_\_\_\_\_  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_                    5) Notice of Informal Patent Application (PTO-152)  
     6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1, 4, 6-8, 10-12, 14, 15, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Turner et al, (US 6,718,030 B1), hereinafter referred as Turner.

**Referring to claim 1,** Turner discloses a method for providing enhanced dial-up capabilities to a network connection, comprising the steps of: establishing an audio connection between a telephone (see Figure 1, #16) and a centrally located dial server (see Figure 1, #30, Directory Server); processing information conveyed by the audio connection to the dial server to obtain a telephone number (see Figure 2, col. 5, lines 37-40, 46-48, *translates calling network address to a customer address*), forwarding a telephone number from the centrally located dial server to a gateway (see Figure 1, gateway #14, lines 55-56, *dialing digits is sent to gateway*) that has a connection to a network (see Figure 1, MGCP connection between gateway, #14 and Call Agent #24, or PSTN, see Figure 1, #12), wherein the audio connection between the telephone and the centrally located dial server is formed across the gateway (see col. 4, lines 59-61, *call agent receives request passed on from the gateway*) and further wherein the connection

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between the telephone and the dial server is established using a single protocol, wherein said protocol comprises media gateway control protocol (see col. 4, lines 44-67).

**Referring to claim 4,** Turner discloses that VoIP is used to communicate with the network (see col. 4, lines 51-52, *MGCP*).

**Referring to claim 6,** Turner discloses that the network is attached to the Internet (see col. 5, lines 1-6, *VPN system 10 supports PSTN and also the Internet*).

**Referring to claim 7,** Turner discloses that the network is attached to a PSTN (see Figure 1, #12, *PSTN is attached to network #10*).

**Referring to claim 8,** Turner discloses that the network is attached both to an Internet and to PSTN (see col. 5, lines 1-6).

**Referring to claim 10,** Turner discloses that the audio comprises voice, and the Dial Server analyzes the voice to associate it with a telephone number (see Figure 2, col. 5, lines 37-40, 46-48, *translates calling network address to a customer address*).

**Referring to claim 11,** Turner discloses an apparatus for providing enhanced dial-up capabilities to a network connection, comprising: a telephone (see Figure 1, #16, col. 4, lines 26-27); a gateway connected to the telephone (see Figure 1, #14, col. 4, lines 24-27); and a centrally

located dial server (see Figure 1, Directory Server #30) connected to the gateway (see Figure 1, #14); wherein the dial server is capable of processing information conveyed by an audio connection with the telephone to obtain a telephone number (see col. 5, lines 37-40, 46-48, *translates calling network address to a customer address*), which it is capable of forwarding to the gateway (see Figure 1, gateway #14, lines 55-56, *dialing digits is sent to gateway*); and wherein the connection between the telephone and the dial server is established using a single protocol, wherein said protocol comprises media gateway control protocol (see col. 4, lines 44-67); and a call agent to which the telephone number is passed from the local gateway (see col. 4, lines 59-61, *call agent receives request passed on from the gateway*).

**Referring to claim 12,** Turner discloses an apparatus for providing enhanced dial-up capabilities to a network connection according to rejection set forth in claim 11, wherein the audio connection is formed across the gateway (see col. 4, lines 59-61, *call agent receives request passed on from the gateway*).

**Referring to claim 14,** Turner discloses an apparatus for providing enhanced dial-up capabilities to a network connection according to rejection set forth in claim 11, wherein the network is attached both the Internet and to PSTN (see col. 5, lines 1-6, *VPN system 10 supports PSTN and also the Internet*).

**Referring to claim 15,** Turner discloses an apparatus for providing enhanced dial-up capabilities to a network connection according to rejection set forth in claim 11, wherein the

network is attached both to an IP network and to PSTN (see Fig. 1, IP network with Directory Server #30, PSTN #12).

**Referring to claim 17**, Turner discloses an apparatus for providing enhanced dial-up capabilities to a network connection according to rejection set forth in claim 11, wherein the audio comprises voice, and the Dial Server has the ability to analyze the voice so that it can associate it with a telephone number (see Figure 2, col. 5, lines 37-40, 46-48, *translates calling network address to a customer address*).

**Referring to claim 18**, Turner discloses an apparatus for providing enhanced dial-up capabilities to a network connection, comprising: a gateway (see Figure 1, #14) for packetizing audio (see col. 4, lines 29-32, *gateway #14 translates different protocols between user #16 and user #18*); and a centrally located dial server (see Figure 1, Directory Server #30) connected to the gateway (see Figure 1, #14); wherein the dial server is capable of processing audio information conveyed by an audio connection to a telephone to obtain a telephone number (see col. 5, lines 37-40, 46-48, *translates calling network address to a customer address*), which the dial server then forwards to the local gateway (see Figure 1, gateway #14, lines 55-56, *dialing digits is sent to gateway*), and wherein the connection between the telephone and the dial server is established using a single protocol, wherein said protocol comprises media gateway control protocol (see col. 4, lines 44-67), and a call agent for forwarding traffic from the local gateway to a network (see col. 4, lines 59-61, *call agent receives request passed on from the gateway*).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al (US 6,252,952 B1), hereinafter referred as Kung.

**Referring to claims 9 and 16,** Turner discloses a method and system for providing enhanced dial-up capabilities to a network connection set forth in the rejections of claims 1 and 11.

Turner fails to teach that the audio contains DTMF tones.

However, the audio contains DTMF tones, is known in the art for supporting an efficient integrated broadband residential gateway as evidenced by Kung.

Kung teaches that the audio contains DTMF tones for the purpose of achieving efficiency in integrated telephony business application (see col. 21, lines 36, 42, *telephone ports #332, configures for DTMF, tone sensing logic, for broad band residential gateway #300*).

One skilled in the art would have recognized the advantage of using DTMF tones as taught by Kung in the system of Turner for the purpose of achieving efficiency in integrated broadband residential gateway.

Thus, it would have been obvious to one skilled in the pertinent art at the time the invention was made to apply Kung's teaching of DTMF tones in Turner's system with the motivation being efficient in integrated broadband residential gateway.

***Response to Arguments***

5. Applicant's arguments filed 12/13/2004 have been fully considered but they are not persuasive.

In response to applicant's argument of amended claims 1, 11 and 18 with the new limitation "the connection between the telephone and the dial server is established using a single protocol, wherein said protocol comprises media gateway control protocol", examiner directs applicant's to Turner's Figure 1, Gateway 14 and Directory Server 30, see col. 4, lines 44-67, a call generates from either user A or B is established through the gateway 14, then converts to an IP packet using MGCP, then routed to the directory server 30. The flow of the controlled connection does use a single protocol connection between the gateway 14 and the directory server 30; therefore, it does meet the applicant's amended limitation recited above for claims 1, 11 and 18.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the dial server is directly connected to the gateway") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

***Conclusion***

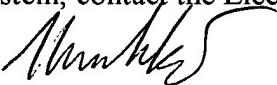
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

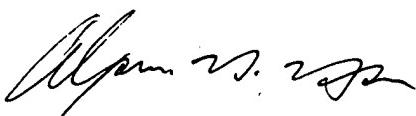
Shen et al. (US 2002/0093944 A1); Dailey et al. (US 6,466,651 B1); Arango et al. (US 6,724,747 B1); Wong (US 6,185,288 B1) are cited to show a System and Method of An Internet Protocol Telephony Dial Server.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Khuong whose telephone number is 571-272-3157. The examiner can normally be reached on 9AM - 5PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lee T. Khuong  
Examiner  
Art Unit 2665

  
ALPUS H. HSU  
PRIMARY EXAMINER